

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
CRIMINAL NO. 04-10299-PBS
2. DANIEL AGUILAR)
a/k/a "Lik")
3. ROBERTO SOLORIO)
a/k/a "Primo")
4. RICARDO MANUEL ESTRADA,)
Defendants.)

UNITED STATES' PROPOSED
VOIR DIRE EXAMINATION QUESTIONS

I. OUTLINE OF INDICTMENT

Let me begin by saying a few words about the nature of this case. The second superseding indictment in this case charges the defendants, DANIEL AGUILAR, ROBERTO SOLARIO, and RICARDO ESTRADA in Count One with conspiracy to distribute at least five kilograms of cocaine, in violation of Title 21, United States Code Section 846, and in Count Nine with possession with intent to distribute at least five kilograms of cocaine, in violation of Title 21, United States Code, Section 841(a)(1). The United States is also seeking to forfeit drug proceeds and/or real property from one or more of the defendants.

II. PARTIES AND WITNESSES

[After defendants, counsel, and case agent are introduced]

1. Do any of you know any of the defendants?
2. Do any of you know any of the attorneys for the

defendants?

3. Do any of you know the attorneys for the United States of America?

4. I will read [or have the attorneys read] the names of persons who may appear as witnesses. Please advise me, after their names have been read, whether you know them or have any acquaintance with them. [Counsel or Court read witness lists.]

III. CONFLICTS WITH SERVICE - NATURE OF CASE

1. It is anticipated that this trial will be concluded in about three weeks. Would it be too inconvenient for any of you, because of your job or other personal reasons, to serve on this jury and to concentrate on the trial and its proceedings with your full attention and render a fair and impartial verdict?

2. Is there anything about the nature of the charges or the type of offenses with which the defendants are charged that would in any way affect your ability to sit as a fair and impartial juror?

IV. GENERAL QUESTIONS TO PANEL

1. Have any of you ever served on a jury before?

(a) Federal Court:
(1) Civil
(2) Criminal

(b) State Court:
(1) Civil
(2) Criminal

2. Without stating the result, were you able to reach a verdict in the case?

3. Has anything ever happened to you while serving as a juror prior to this case that would make it difficult for you now to serve as a fair and impartial juror?

4. Have any of you ever appeared before a Grand Jury as a witness and given testimony? Have any of you ever served as a member of a Grand Jury? If so, how many times?

5. Have any of you ever appeared in Court either as a witness in a case or as a party in a lawsuit?

6. Have any of you ever had any claim or lawsuit or any other type of litigation against or with the United States or one of its agencies? I am speaking now of a lawsuit or some type of administrative proceeding. The agency could be the Internal Revenue Service, the Federal Housing Administration, the Social Security Administration, and so forth. If so, please explain.

7. Are any of you suffering from a physical disability, especially one involving hearing, which would make it difficult for you to serve as a juror during the trial of this case?

8. Have any of you ever been the victim of a crime?

9. Have any of you ever been charged with a criminal offense? What was the charge? Do you believe you were treated fairly?

10. Do you have any close friends or relatives who have been charged with a criminal offense? What was the charge? Do you believe they were treated fairly?

11. Have any of you ever been questioned by a Federal

or State investigative officer? If so, please explain. Do you believe you were treated fairly?

12. This is, of course, a criminal case wherein the law sets forth certain punishments to be applied in the sole discretion of the Judge, within bounds as set forth by Congress. Are there any of you who, for religious, moral, ethical or philosophical reasons, would simply rather not be called upon to decide the guilt or innocence of the accused?

13. The Court will give you instructions on the law at the conclusion of all the evidence and the argument of counsel. Will you abide by these instructions on the law and apply the law to the facts?

14. If one or more of the instructions on the law given to you by the Court are in conflict with your own personal beliefs, or if you disagree with any one of the Court's instructions, will you still abide by the Court's instructions on the law and put your own personal beliefs aside?

15. In considering your verdict, do all of you realize that the term "reasonable doubt" which will be used during the course of this trial does not mean a speculative or fanciful doubt, and that the law does not require a person to be proved guilty to a mathematical certainty?

16. If the Government proves a defendant guilty beyond a reasonable doubt, would any of you hesitate to return a verdict of guilty as charged against that defendant? On the other hand,

should the Government fail to prove a defendant guilty beyond a reasonable doubt, would any of you hesitate to return a verdict of not guilty?

17. Do you conscientiously believe you can render a fair and impartial verdict free from any prejudice or bias for or against the Government or the defendants?

18. Are you, a family member, or a close friend or business associate involved in the criminal justice system as a prosecutor, a defense attorney, an employee of either a prosecutor or a defense attorney, or as a law enforcement officer?

V. ADDITIONAL QUESTIONS TO PANEL

1. Some of the witnesses expected to be called by the United States at trial are Special Agents of the Drug Enforcement Administration. These law enforcement officers will be called to testify as to certain matters in this case calling for specialized knowledge and skill, such as narcotics investigations. Are you aware of any bias that you might have for or against a witness or other individual in this case where that witness or individual is a law enforcement officer?

2. You will hear evidence from certain "cooperating witnesses," individuals who participated in the crimes charged in the indictment, who have entered plea agreements with the government and who have agreed to testify in this case. Are you aware of any prejudice that you may have against such a person that would in any way impair your ability to evaluate and judge

fairly and impartially the testimony offered by such a cooperating witness?

3. Have you, or has anyone in your family or close circle of friends, ever been treated for an addiction to any narcotic substance?

4. You will hear evidence of telephone conversations obtained pursuant to a court-authorized wiretap in this case. Is there anything about this investigative tool that would in any way impair your ability to evaluate and judge fairly and impartially the evidence in this case?

Respectfully submitted,

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 15, 2006.